

REMARKS

The Office Action may be summarized as follows:

1. Claims 10 through 15 have been allowed.
2. Pending claims 22 through 23 were objected to because such claims lacked antecedents.
3. Claim 21 was rejected under 35 USC 103(b) as being anticipated by Williams US No.: 3,187,006. Claim 21 has been rewritten as claim 26.
4. Claim 22 was rejected under 35 USC 103(a) as being unpatentable over Williams in view of Bolinger et al.
5. Claims 23 - 24 were rejected under 35 USC 103(a) as being unpatentable over Williams in view of Snyder.

The above-noted bases for rejection are respectfully traversed.

This amendment more clearly distinguishes the invention from the cited art by stating that a single base-located connector bolt and adjustable nut combination loosely supports a rigid right angle brace which may be rotated in unitary condition to a vertical position. The adjustable connector bolt/nut is then tightened after the unitary brace has been leveled and made plumb by a free standing screwjack coupled at the outrigger end of the horizontal member of the unitary pre-assembled brace. Applicants' invention does not require any buried in the ground anchor deadman.

It will be shown herein that the prior art (alone or in combination) fails to suggest or disclose the following:

1. An anchor-free apparatus with stiff unitary right angle brace members rotated into place for bracing a wall being fabricated from masonry blocks.
2. A single one only base-located connector bolt positioned in the connector opening at about the first block course and having a longitudinal axis of rotation about which the cantilevered horizontal member of said brace may be both rotated and tilted until the brace is flush and upright against the wall.
3. A stiff vertical brace member including a cantilevered horizontal member oriented for tilting by an adjustable free standing jacking/leveling means positioned at the outrigger end of the horizontal member.
4. A pair of spaced apart flanges which sandwich and rigidly affix vertical and horizontal brace members together into a unitary right angle brace structure adapted for both "non-wall-loading" rotational and tilting placement adjacent a wall's vertical surface.
5. A single adjustable connector means coupled to the right angle of said brace structure and having a length sufficient to extend through said base-located connector opening and being oversized enough to accommodate fixing a rigid right angle brace structure in place against said wall.
6. A jacking means resting on a plate sitting on the surface of the ground, such as a screwjack, which jack is located at the outermost end of said horizontal member for tilting said horizontal member until said vertical brace member is flush (ie. non-wall-loading) against said wall surface.

The primary reference - Williams US No.: 3,187,006 - relied upon for the anticipation and obvious rejection is simply not applicable to the claims under

consideration. Williams, in many respects is similar to Camardo noted in the previous Office Action. Moreover Williams teaches and instructs the user to load the wall by the diagonal pipe brace or "kicker" 64. As disclosed at Column 3, lines 6 through 20, the purpose of this diagonal William pipe brace 64 is to:

force the I-beam [38] into tight contact with the wall. It should be understood that the diagonal members on each side of the wall are extended so that the pressure applied against each side of the wall will be relatively uniform. After the diagonal members are tightened, the diagonal members are in compression while the horizontal and vertical members are in tension. (Matter in brackets and emphasis added.)

Indeed, Williams purposefully builds up stress within the assembled brace by force against the wall. The above-noted Williams approach is known in the art as intentional "wall loading". And, it is a dangerous, cumbersome and unsuccessful effort toward solving a problem long known in this art. The inventors have spent time together at trade shows and otherwise with the Williams family members. The Williams approach is no longer in use. Indeed, those family members refer to the structure disclosed in Williams as "The Man Killer". Please see the Declaration of the inventor Hodsdon submitted herewith.

Applicants' invention, as claimed, avoids such wall loading because a rigid pre-assembled brace is simply rotated and then tilted to be flush against the wall. The William family members acknowledged this significant difference. According to Mr. Hodsdon, the family members state that their father, Mr. Williams, had good intentions but just didn't get there. From a technical standpoint a device that loads the wall is a wrong headed approach.

Moreover, Williams - again as in Camardo - discloses a many-separate-element brace which is assembled piece-by-piece against a wall being

constructed. Williams uses double diagonal braces of several separate parts including angle pieces 30 that are initially left on the wall foundation and snap ties 32 that must be broken off and left in the wall. The Williams angle pieces 30 must later be pried out and the snap ties holes must be repaired and filled. This wasteful approach increases costs and requires extra steps and parts together with on the job assembly that is both inefficient and dangerous. Additionally, of course, there is always the risk of workers losing parts from one job to the next.

In summary then it is respectfully submitted that the disclosure of the Williams reference - both structure and usage - is foreign to the novelty of Applicants inventive approach.

The piece by piece assembly (u channels, I beams, wedges, welds, cotter pins, studs, snap ties, wooden planks, etc.) of the Williams structure of his Figures 1 through 8 highlights the novelty of Applicants invention rather than obviating same. Only by discounting several primary features of Applicants' invention, as presently claimed, can the Williams reference be suggested as novelty-destroying when compared with Applicants' invention.

Applicant's claims now stress that only one single base-located connector is required and that single connector is located near the base of the wall. This single adjustable bolt and nut combination allows a user to rotate into place a pre-assembled unitary right angle brace. Rotation of the fixed unitary brace allows it to easily be set into position as an assembled unitary brace structure. The entire brace rotates and then is adjusted into a non-load-bearing relationship against the wall being constructed. Green walls are inherently unsteady and Applicants' approach is both safer and simpler as compared to the prior art.

The Williams starting point in his assembly (Williams Column 4 lines 60 through Column 5, line 5.) begins at angle plate 30 that has studs 46 welded on the lower edge of angled mounting plate 30. See the lower portion of Williams

Figure 3 where horizontal member 40 has connecting plates 42 welded at the inner end with apertures 44 that pass over the studs. Those apertures are held there by cotter pins 48. The danger of such an approach is further highlighted by noting that the initial anchoring of channels 40 must be so loose that the channel 40 can pivot up and down 15 degrees or so in each direction to accommodate differing levels of earth 50. Mud sills in the form of short wooden planks 52 are used to try to level the channels 40.

Williams Figure 4 discloses that channels 40 also have welded brackets 54 with holes 56 therein so that the uprights 38 can be held in place by pins 56 and cotter pins 58 (Williams Figures 3 and 4.) until the uprights can be wedged into place by slotted wedge members 34 which provide a wedging action between the ends 32" of snap tie members 32 and the inner flanges 38' of the I beam 38 that forms the upright brace member. (See Williams Figures 3 and 4.) There is absolutely nothing unitary about Williams. It is built piece by piece in place and is heavy, bulky and dangerous.

Snyder simply discloses an adjustable hollow polyvinylchloride (PVC) pipe with an opening 23 in the upper PVC pipe that is intended to allow filling the pipes with concrete reinforcement. (Cutting, wedging and possible shrinking of wooden support posts for floor support can be avoided by Snyder.). Floor support signals a center lift and does not teach or suggest placement of Applicants' jacking for a cantilever tilting of the entire rigid pre-assembled brace via Applicants horizontal member. Applicants' claim both leveling and assuring that a vertical rigid brace member becomes flush against the wall being fabricated. Why would the Snyder center mounted PVC floor support 5 be applied at an outrigger location as first taught by Applicants? The answer is it wouldn't be so used.

Williams differs from Applicants claims in the many particulars noted above in numbered paragraphs 1 through 5 and also in intent and in purpose.

Adding Snyder does not obviate these many distinctions. Reconsideration is respectfully requested.

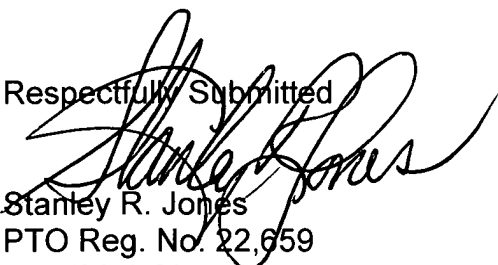
As to Applicants claim 22, the Office Action applied Williams in view of Bolinger et al 6,550,188. Bolinger can in no way makes up for the many deficiencies of Williams as noted above. Moreover cap 52 of Bolinger is not solid and does not function to stop dropped mortar. Instead, as disclosed by Bolinger, his so-called "cap" serves "effectively [as] a bushing" for shaft 26. Different purpose and different structure is at work. No reason can be seen for having a Bolinger crank shaft 26 in a cap 52 riding on the top of an I-beam 38 of Williams. The proposed combination of references is simply a kluge and in any event is not suggestive of Applicants novel invention. Please reconsider.

Of major importance, it should be noted, is that none of the references - alone or in combination - teaches or suggests a rigid right angle brace loosely coupled to an adjustable single base-located connecting bolt/nut combination for rotation in place, precise cantilever leveling and nut tightening when the pre-assembled brace has been rotated, tilted and becomes flush against the wall. Indeed, reliance on the Snyder center-mounted floor beam support in combination with Williams effectively turns Applicants' disclosure against themselves. That is basically unfair. It is only in Applicants' claimed invention that a rigid right angle brace is both rotated and cantilever tilted about a single adjustable base-located bolt/nut connector combination for non-wall-loading support.

Indeed, it is respectfully submitted that it is only by impermissible hindsight that the PVC floor support 5 of Snyder is moved into the Williams reference. Clearly without reference first to Applicants teaching, it is impossible to know where Snyder's PVC support post would be placed.

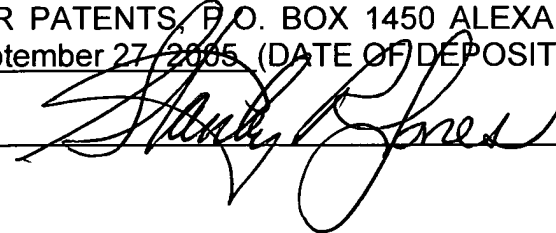
In summary, all of the references have been studied and commented upon. None of them, either alone or in combination are deemed relevant to Applicants' novel invention. Allowance of the case is requested.

Respectfully Submitted



Stanley R. Jones
PTO Reg. No. 22,659
Tel. (207) 621 - 0477
EFax: 12075121014

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450 ALEXANDRIA, VA 22313 - 1450 ON: September 27, 2005 (DATE OF DEPOSIT)

BY:  (REG.REP. No. 22,659)